
DOCKET NO.

14-3012

IN THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

EARL WARNER
APPELLANT

V

UNITED STATES OF AMERICA
RESPONDENT

MOTION REQUESTING THAT THE APPELLANT
BE GRANTED LEAVE TO FILE A
PRO-SE SUPPLEMENTAL BRIEF

ON APPEAL FROM A JUDGMENT OF CONVICTION AND
SENTENCE ENTERED IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
DOCKET NUMBER 2:12-cr-00107

Pro-Se
Motion

Exhibit 3

Earl Warner
Earl Warner
Appellant

Comes now the appellant, Earl Warner, respectfully requesting that this court grant him leave to file a pro se appellate brief to this court.

In support of this request, the appellant submits the following.

The appellant is represented in this instant direct appeal by Attorney David B. Chantos.

Appellant, prior to this court's Briefing order, represented to his counsel that he, the appellant, would like to participate in the discussion of the issues which would ultimately be raised on appeal.

In any event, despite the numerous attempts by the appellant to contact Attorney Chantos, Attorney Chantos never made an attempt to return any calls left by the appellant.

In the end the Appellant received the copy of a Brief, filed by his attorney. The appellant never discussed the issues contained in the Brief with his counsel.

The appellant, upon receiving the copy of the opening brief from counsel again, attempted on several occasions to speak with counsel regarding other issues that the appellant would like this court to review.

Counsel has neglected to return any of the appellant's calls.

The appellant therefore requests that this court grant him leave to file a Supplemental Pro-Se Brief so that issues

which are pertinent to this Appeal may be raised, litigated and ultimately decided upon by this court.

Respectfully Submitted,

Earl Warner

Earl Warner

Appellant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was mailed on this 22nd day of December 2014, postage pre-paid, first class mail addressed to:

David B. Chantos
561 Beulah Road
Turtle Creek, PA 15145

Carolyn Bloch
AUSA
Suite 4000
700 Grant Street
Pittsburgh, PA 15219

I further certify that the above is true and correct subject to the penalty of perjury pursuant to 28 USC § 1746.

So sworn this 22nd day of December 2014.

Earl Warner

Earl Warner

#33556-068

Appellant

USP Tucson

P.O. Box 24550

Tucson, AZ 85734

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 14-3012

United States v. Warner

To: Clerk

- 1) Motion by Appellant for Leave to File Pro Se Supplemental Brief

The foregoing motion is denied as it is noted that counsel filed a brief on the merits on behalf of Appellant. See 3d Cir. LAR 31.3. See also United States v. Turner, 677 F.3d 570 (3d Cir. 2012) (except in cases governed by Anders, parties represented by counsel may not file pro se briefs). The pro se brief will be forwarded to counsel in accordance with Local Rule 31.3 and Turner. Counsel is directed to review this Court's opinion in Turner regarding counsel's obligations with respect to the pro se arguments.

For the Court,

s/ Marcia M. Waldron
Clerk

Dated: January 16, 2015
JK/cc: Donovan J. Cocas, Esq.
Rebecca R. Haywood, Esq.
David B. Chontos, Esq.
Earl D. Warner

Exhibit 3-D